

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

(Doc. # 2).

The plaintiff filed a motion on August 13, 2007, for a preliminary injunction (Doc. #1). The Magistrate Judge filed a recommendation on September 5, 2007, that such injunctive relief be denied (Doc. #11). The plaintiff filed an objection (Doc. #15). After an independent and de novo review of the record, the court determines that Ray is not entitled to a preliminary injunction because he has not shown that he has a likelihood of success on the merits and has failed to demonstrate that he will suffer an irreparable injury absent the issuance of a preliminary injunction. Accordingly, the motion for an injunction is due to be denied, the recommendation of the magistrate judge is due to be adopted, and the plaintiff's objection is to be overruled.

The Magistrate Judge filed a recommendation on September 7, 2007 (Doc. #12) that the complaint be dismissed with prejudice to which the plaintiff objected (Doc. #15). The Magistrate Judge subsequently entered the October 10, 2007 recommendation (Doc. #16), which modified the September 7 recommendation by removing by removing the recommendation that the case be dismissed and instead recommended that the case be transferred to the Northern District of Alabama pursuant to 28 U.S.C. § 1404(a). The plaintiff did not file an objection to the October 10, 2007 recommendation. After an independent and de novo review of the record, the court finds that the September 7 recommendation as modified by the October 10 recommendation of the Magistrate Judge is due to be adopted and that this case should be transferred to the Northern District of Alabama.

There are two additional motions filed by the plaintiff pending in the case: plaintiff's motion for appointment of counsel and for a jury trial. This court declines to rule on those motions.

Accordingly, it is the ORDER, JUDGMENT and DECREE of the Court that:

1. Plaintiff's motion for reconsideration (Doc. #4) is DENIED.
2. Plaintiff's motion for Preliminary Injunction Relief (Doc. #1) is DENIED.
3. The September 5, 2007 Recommendation (Doc. # 11) of the Magistrate Judge regarding the preliminary injunction is ADOPTED.
4. Plaintiff's objection (Doc. #15) to extent it objects to the Magistrate Judge's September 5, 2007 Recommendation regarding the preliminary injunction is OVERRULED.
5. The September 7, 2007 Recommendation (Doc. #12) as modified by the October 10, 2007 Recommendation (Doc. #16) is ADOPTED.
6. Plaintiff's objection (Doc. #15) to the extent it objects to the Magistrate Judge's September 7, 2007 Recommendation is OVERRULED as the objection is moot.
7. The case is TRANSFERRED, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the Northern District of Alabama. The Clerk of Court is DIRECTED to take all necessary steps to effectuate said transfer.

DONE this 14th day of November, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE